

CHARTER TOWNSHIP OF DELTA
Public Meeting Room B
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

TOWNSHIP BOARD COMMITTEE OF THE WHOLE MINUTES
MONDAY, December 9, 2013

I. CALL TO ORDER –

Supervisor Fletcher called the meeting to order at 6:00 p.m.

II. ROLL CALL –

Members Present: Treasurer Howard Pizzo, Trustees Dennis Fedewa, Jeff Hicks, Karen Mojica, Clerk Mary Clark, and Supervisor Kenneth Fletcher.

Members Absent: Trustee R. Douglas Kosinski

Others Present: Kathy Gilreath, Community Development Director Mark Graham and Township Planner Chris Gruba.

CLERK CLARK MOVED TO EXCUSE TRUSTEE KOSINSKI.
TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0.

III. SET/ADJUST AGENDA –

Supervisor Fletcher suggested that due to a request to go into Executive Session concerning counsel opinion regarding D & K Sidewalk variance, that this item be moved to the end. Trustee Fedewa requested an addition to the agenda regarding a Township tree policy.

TRUSTEE FEDEWA MOVED TO APPROVE THE AGENDA AS AMENDED.

TRUSTEE HICKS SUPPORTED THE MOTION.

THE MOTION PASSED 6-0.

IV. PUBLIC COMMENT – None

V. MANAGER'S REPORT – None

VI. ITEMS OF DISCUSSION –

1. Tent Displays, Mark Graham

Community Development Director Mark Graham stated that in response to concerns over current ordinance, he has drafted an ordinance for review and notes that on page 1 there are few regulations currently and gave an overview of changes. The changes incorporate practices in place in other Municipalities. Community Development Director Mark Graham stated that 12 area businesses were surveyed and 2 responded.

Highlights of the change include limiting the licensing period to three 15 day periods. Violation is a civil infraction, 1st \$50, 2nd \$125, 3rd \$250 – which can be issued every day of violation. In the past issuing violations has been sparse – however the signage has been removed by the Township and can be retrieved by the business. The Township has tried to not be punitive.

There was consensus to move forward with the changes.

2. Proposed Changes to Sign Code, Mark Graham

Community Development Director Mark Graham stated the FY 2014 budget includes monies to review the current sign ordinance. Director Graham highlighted the following ordinances that he would like to see amended: Feather flags (signs), changeable copy on pole signs (i.e. gas price signs), greater wall exposure and allowing greater flexibility (possibly changing the 45 day period to 3 @ 15 days or 5 @ 9 days).

Examples were shown of feather flags and an example of skirting the ordinance was that a business put their logo/name on it, making it therefore a business sign – of which 2 are allowed and hence circumventing the ordinance. Director Graham stated that definition of feather sign needs to be added and treating them as a temporary sign.

Director Graham next addressed changeable copy signs (electronic message signs) which are only allowed on ground signs. Hotels, restaurants and gas stations that are within 2000 ft. from the freeway are exempt – which is part of the problem because it is inequitable for the gas station 2010 ft. away. Director Graham stated that he would like to change the ordinance for gas stations which are basically static. Height and setback requirements exist. In terms of restrictions, opinion should be sought from counsel in regard to content neutrality. Discussion ensued surrounding the different requirements and studies that have been done concerning “movement” on the sign, colors, intervals between changes and blinking, which the Township prohibits.

Director Graham spoke regarding wall signs and stated in his opinion the current ordinance is strict in that they are only allowed on 2 sides of the

building. Director Graham questioned whether freestanding buildings might be allowed to have a smaller 3rd sign on a third wall – limited in size to 10 sq. ft. Discussion ensued regarding allowing an overall “allowed sq. footage” and allowing the business owner to decide. It was suggested that perhaps there be a limitation that none exceed a certain size, to prevent using the entire allotment on the front of the building.

Director Graham stated that they will make some adjustments and bring it back for review.

Lastly, Director Graham addressed the time limit of temporary sign permits and noted that the goal is to allow more flexibility to the business owner and would perhaps like to change the current ordinance to 3 occurrences of 15 days each or 9 occurrences of 5 days each. Administrative work increases slightly, perhaps the fees can be changed from \$50 to \$30 or something similar. There was general consensus for Director Graham to proceed with drafting some changes. General discussion ensued concerning the allowance of neon signage.

3. Blood Plasma Centers, Mark Graham

Director Graham summarized the history between Meridian Township and Blood Plasma Centers that purchased a grocery store for their business. Meridian Township is requiring them to apply for a Special Land Use Permit. Blood Plasma Centers is looking elsewhere. Director Graham states that two realtors have called the Township since then asking about regulations concerning Plasma centers, and Director Graham states there are no regulations. Director Graham indicated that the Blood Plasma Center does not in his opinion meet the criteria or definition of a clinic. That several issues and concerns have been raised and that the City of Lansing has a Center in South Lansing and the main issue is that it is a high volume (500+ in one day), who congregate before and after as it is a first come first serve. There are problems with litter, loitering, noise, security.

Director Graham is proposing a definition of a plasma center, allowing it in two commercial districts with a special use permit. A community in Wisconsin requires plasma centers to be open 1 hour before so that clients are waiting inside rather than congregating outside. Regarding parking regulations would be similar to those of the dialysis center which has a spacing requirement relating to schools and daycares. As well as requiring an operation plan. Director Graham states that he would like legal counsel on the ordinance.

Discussion ensued surrounding the data the company provided to Meridian Township and the monetary influx to the community. Consensus was voiced regarding addressing code of ordinances.

4. Complete Streets Proposed Ordinance, Mark Graham

Director Graham stated that he may defer to Trustees Mojica and Fedewa and Treasurer Pizzo who serve on the Transportation Committee and have discussed Complete Streets as well as met with the Eaton County Road Commission.

Director Graham presented examples of complete streets such as West Saginaw Highway facing East, the St. Joe widening project and others as an example of complete streets.

Complete Streets mandates the Comprehensive Plan addresses complete streets. Director Graham states he believes the Township has all of the components of Complete Streets.

Director Graham stated he has drafted a Complete Streets ordinance and in his opinion the Township's commitment is illustrated in the Strategic Plan, Comprehensive Plan, Non-Motorized Plan, etc. Director Graham states that information has been obtained from other Complete Streets communities and he has consulted with the Eaton County Road Commission and the Transportation Committee. In addition, on November 12, 2013 the Transportation Committee recommended to the Board of Trustees that a Complete Streets ordinance be adopted.

Trustee Fedewa stated the Township has been fulfilling the complete streets already, and the ordinance is just a way to memorialize it. Discussion ensued concerning the authority over the roads, negotiating further financing of it. Discussion ensued with consensus reached that the ordinance would be a guide for future developments to strive toward complete streets. Consensus was reached to move forward with the ordinance.

5. Tree Policy

Trustee Fedewa discussed a recent communication from a resident whose property abuts Township property and who had a limb fall onto his property from parks property during a recent storm. Trustee Fedewa described the current process the Township follows concerning trees that are damaged and or dying on Township property vs those that fall onto residential property emanating from Township property. Trustee Fedewa stated that there should be a policy in place concerning actions taken by the Township in relation to trees falling onto residential property.

Supervisor Fletcher stated that the Township policy is essentially the same as the Eaton County Road Commission and that is if a tree falls in a residential yard from a right of way that it is the property owner's

responsibility to remove it. This includes Acts of God, whole trees or limbs.

Discussion ensued concerning the difference between a policy vs procedure and the belief that there should be flexibility. Routine maintenance and preventative maintenance are done regularly.

Trustee Fedewa stated that he believes there should be a clear policy so that the response is consistent. Supervisor Fletcher stated that the Township does in essence have a policy in that it follows the Eaton County Road Commission. There was consensus amongst the Board to not pursue the matter further.

6. D & K Sidewalk Variance Request, Mark Graham

TREASURER PIZZO MOVED TO GO INTO EXECUTIVE SESSION.

CLERK CLARK SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, CLERK CLARK, TRUSTEE HICKS,
TRUSTEE FEDEWA, TRUSTEE MOJICA, SUPERVISOR
FLETCHER.

NAYS: NONE

MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

THE BOARD ADJOURNED INTO EXECUTIVE SESSION AT 7:32PM.

TRUSTEE HICKS MOVED THAT THE BOARD COME OUT OF
EXECUTIVE SESSION.

TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

THE EXECUTIVE SESSION ENDED AT 7:59PM.

Clerk Clark asked for clarification using the example that if the variance passes and a 5 ft. sidewalk is installed, in 20 years it is decided to install a 10 ft. shared use, is the 5 ft. walk removed before installing the 10 ft. sidewalk. It was confirmed that the 5 ft. walk would need to be removed.

Supervisor Fletcher asked whether there was consensus to move forward to grant the variance and there was.

Director Graham will prepare motions to grant variances on Snow Road and Lansing Road and deny on Old Lansing Road.

Clerk Clark stated there is a firework vendor requesting a variance to a vending ordinance (as in hours of operation) and questioned whether there was interest in changing the existing vending ordinance to have a fixed vending ordinance (allowing sales until 12:00 a.m.) and a door to door vending ordinance (going until 9:00 p.m.).

There was consensus not to pursue changing the current vending ordinance.

Director Graham stated that he visited Marci Roe who owns the 8 dogs whose solution was to gain permission from adjacent neighbors to build a kennel on their properties (3 on his, 3 on one neighbor and 2 on the other).

Director Graham also addressed the dog grooming issue in Mar Moor (Kelly Johnson), the appellant's briefs were filed, however at the 11th hour Judge Cunningham disqualified herself and the case was turned over to Judge Sauter. Trustee Hicks confirmed that this is an appeal from the Board's denial.

VII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:14 p.m.

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MARY R. CLARK, CLERK

KENNETH FLETCHER, SUPERVISOR